

**TOWN OF ARLINGTON  
MASSACHUSETTS**

**REPORT OF THE  
SELECT BOARD**



**TO THE  
SPECIAL TOWN MEETING  
WEDNESDAY MAY 8, 2024**

**8:00 P.M.**



## **INTRODUCTION**

The Select Board is pleased to present its report to Town Meeting of its votes and comments for the following articles. These votes are the result of hearings the Board conducted between April 24th and May 6th, 2024, during which time the Board heard from proponents and opponents of the various articles.

The Board thanks Town Meeting members for their service and for their willingness to give fair and serious consideration to all of the important issues raised by the various articles.

**ARTICLE 2                    BYLAW AMENDMENT / AMEND THE POET LAUREATE  
SCREENING COMMITTEE MEMBERSHIP**

**VOTED:** that the Town does and hereby amends Title II, Article 11 of the Town's Bylaws, or take any action related thereto, so that the new provision of Title I reads as follows:

**Title II**

**ARTICLE 11**

**POET LAUREATE OF ARLINGTON  
(ART. 13 – ATM – 4/30/14)**

**Section 1.        Establishment of an Honorary Poet Laureate of Arlington**

There is hereby established for the purposes of advancing the literary arts, enriching the community, and recognizing the literacy achievements of Town residents, the honorary position of Poet Laureate of Arlington.

**Section 2.        Selection, Term and Criteria**

Appointment of a Poet Laureate shall be for a term of one year, annually renewable for a total of three years based on the recommendation of a screening committee of five persons consisting of: ~~one person each designated by:~~

- (a) A designee of the Library Board of Trustees (by majority vote);
- (b) A designee of the Arlington School Committee (by majority vote);
- (c) A designee of the Arlington Commission on Arts and Culture (by majority vote);
- (d) ~~Town Meeting Member (appointed by the Town Moderator)~~ A former Poet Laureate starting with the most recent or a Town Meeting Member (appointed by the Town Moderator) if no former Poet Laureate is available;
- (e) A designee of the Town Manager (with advice and consent of the Select Board);

~~and confirmed by the Select Board.~~ All members shall be confirmed by the Select Board.

This honorary position shall be voluntary. Only Arlington residents shall be considered for appointment, and any person appointed as Poet Laureate of Arlington must at all times remain an Arlington resident during their term as Poet Laureate. In the event that a Poet Laureate is no longer a resident of Arlington during their term, the honorary position shall be construed to have been constructively vacated.

**Section 3.        Duties of Poet Laureate**

The duties of the Poet Laureate shall be to present original works of poetry, conduct readings and participate in public events and Town, public school and library programs as appropriate and practicable

**(4-0)\* Mr. Hurd was absent.**

**COMMENT:** The Board heard from the Town's Interim Commissioner for Arts and Culture regarding the proposed changes to the bylaw. The Board opened the hearing to members of the public for comment, but none wished to be heard. Mr. Helmuth moved for favorable action and noted the proposed changes were sensible. Mr. Diggins seconded the motion put forward by Mr. Helmuth. Ms. Mahon thanked the Interim Commissioner for the proposed changes and noted how they would help the Poet Laureate Screening Committee perform their duties. The Board members in attendance then voted unanimously in support of favorable action.

#### **ARTICLE 4                    DISPOSITION OF REAL ESTATE/ACTON STREET**

**VOTED:** That the Town does and hereby authorizes the Select Board to declare available for disposition a parcel of Town-owned land along the northerly side of Acton Street, subject to favorable action by the School Committee, and further, to authorize the Select Board to dispose of said parcel by sale, conveyance or otherwise under such terms as the Town may specify consistent with applicable legal requirements; or take any action related thereto.

**(4-0)\* Mr. Hurd recused himself.**

**COMMENT:** The Board voted to support this warrant article. The article initiates the process for the possible sale of Town owned property, under the care, custody and control of the School Department, located at the intersection of Appleton Place and Acton Street. The Board noted that the parcel, comprised of 5,031 square feet, is in the initial stages of the process for its possible sale. Although the School Department has care, custody and control over the Parcel, the Board's role in the disposition process is required by law.

The Select Board was advised by Town Counsel that pursuant to Title I, Article 2, §1 of the Town's Bylaws, the Select Board has the "general direction and management of the property... of the Town" in accordance with other laws. Notably, Article 2, §1 does not present the same exception to school property jurisdiction as the Town Manager Act. Further, Title I, Article 3 § 2 of the Bylaws requires all "conveyances under seal" be executed "pursuant to a vote of the Town" and "sealed... and subscribed by a majority of the Select Board." This reasonably infers that the Select Board would be required to vote on the disposition of the Parcel, as well as Town Meeting.

The Board was further advised that Massachusetts procurement laws governing the disposal of municipal property require a government body authorized by general or special law to effectuate the disposal of municipal property by declaring it available for disposition and specifying any restrictions thereto. See M.G.L. ch. 30B §16(a). Taken together, ch. 30B, the Town Manager Act and the Town Bylaws contemplate a democratic process for possible disposition of the subject property. First, the Article before the Select Board requires majority favorable action under Town Bylaws in order to send to the Special Town Meeting a recommendation to authorize it to declare the Parcel available for disposition given its authority on general direction and management of Town property. Thereafter, a favorable Special Town Meeting vote would confer upon the Select Board the authority to "seal[...] and subscribe" the disposition of the Parcel pending favorable School Department action. See Town Bylaws, Title I, Article 3 § 2.

For the avoidance of doubt, the Board was advised by Counsel that the Superintendent and School Committee will be required to declare the Parcel available for disposition pursuant to ch. 30B

§16(a), because it is within the School's care, custody and control. It is reasonable for this process to proceed after any favorable Special Town Meeting vote. While an unfavorable Special Town Meeting vote may not preclude the School Department from pursuing the disposal of the Parcel in the future, it may terminate the disposal process at this time and require another Select Board and Town Meeting or Special Town Meeting vote to authorize any future disposal.

Finally, the Board noted, after consultation with Town Counsel at the public hearing on this matter, that if the Superintendent recommends and the School Committee ultimately votes to recommend that the Parcel be declared as excess/surplus property to the needs of the School Department and available for disposition after any favorable action by the Select Board and Special Town Meeting, this Board may thereafter take action on that recommendation and may specify any restrictions on disposition of the Parcel. See M.G.L. ch. 30B §16(a).

Following a discussion of all relevant issues, the Board supported favorable action on this article so that the process of evaluating this parcel for sale and distribution, to the benefit of the Town, could be initiated.

## **ARTICLE 5                      RESOLUTION FOR A CEASEFIRE PROCLAMATION**

**VOTED: That the Select Board report to Town Meeting without a recommended vote.**

**(5-0)**

**COMMENT:** The Board voted unanimously to report to Town Meeting without a recommended vote on Article 5. The effect of this vote is simply that no default main motion will be on the floor. As a result, the Moderator will recognize a proponent to introduce the resolution for the Meeting's consideration.

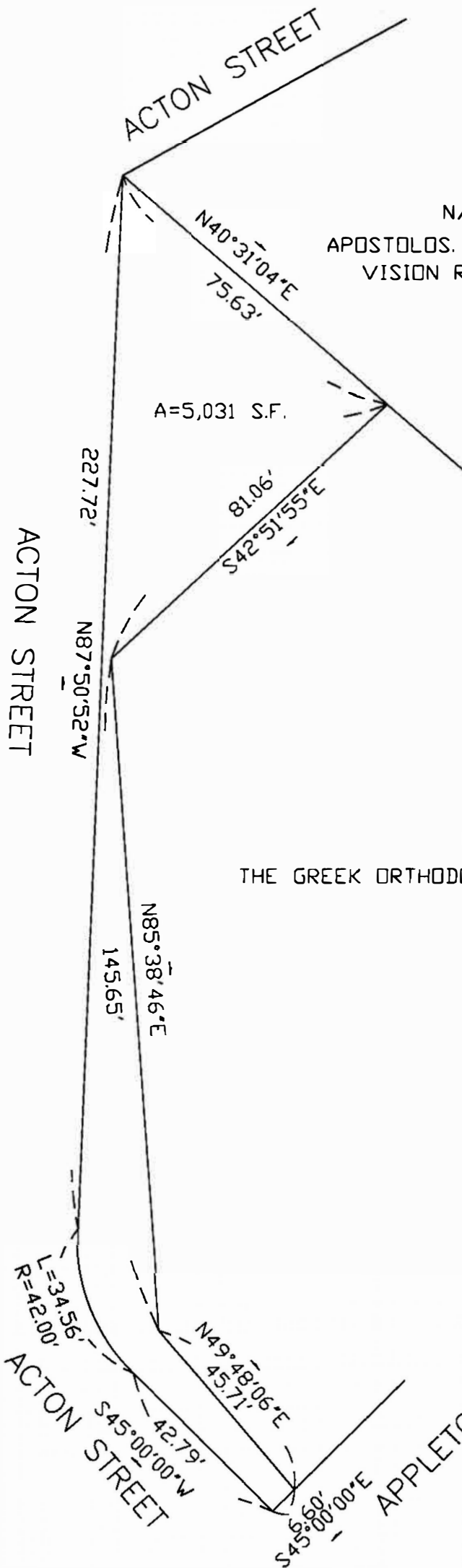
The Board offers recommended votes to Town Meeting on warrant articles for which it can provide insight informed by its responsibility for policy and oversight over town government. Town Meeting resolutions are a request for that body to express itself. While the Board has recommended votes on resolutions previously, it has been most often when the content directly and specifically addresses the Town. The present Board believes it should not advise Town Meeting on what to say about matters outside that scope based only upon the personal opinions of its five individual members.

Further, while acknowledging the deeply held views expressed by residents with respect to this article, the Board believes that Town Meeting alone should decide whether and how it wishes to speak on the proposed resolution. Accordingly, the Board declines to suggest a recommended vote.

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## **APPENDIX ITEMS**

### **ARTICLE 4: SURVEY REPORT (APPLETON PLACE/ACTION STREET**



N/F  
 APOSTOLOS. P. SITSOPOULOS TR.  
 VISION REALTY TRUST

N/F  
 THE GREEK ORTHODOX CHURCH OF ARLINGTON



PAUL J. FINDOCCHIO P.L.S. NO . 36115

SCALE: 1" = 30'

DATE: APRIL 30, 2024



A certain parcel of land situated in Arlington beginning at the intersection of Appleton Place & Acton Street thence:

S 45 00 00 W a distance of forty two and seventy nine hundredths feet (42.79') by Acton Street thence:

On a curve with a radius of forty two and zero hundredths feet (42.00') with a length of thirty four and fifty six hundredths feet (34.56') by Acton Street thence:

N 87 50 52 W a distance of two hundred twenty seven and seventy two hundredths feet (227.72') by Acton Street thence:

N 40 31 04 E seventy five and sixty three hundredths feet (75.63') by land now or formerly of Vision Realty Trust thence:

S 42 51 55 E a distance of eighty one and six hundredths feet (81.06') by land now or formerly The Greek Orthodox Church of Arlington thence:

N 85 38 46 E one hundred forty five and sixty five hundredths feet (145.65') by land now or formerly of The Geek Orthodox Church of Arlington thence:

N 49 48 06 E forty five and seventy one hundredths feet (45.71') by land now of formerly of The Greek Orthodox Church of Arlington thence:

S 45 00 00 E six and sixty hundredths feet (6.60') by Appleton Place to the point of beginning.

This parcel contains 5,031 s.f.



**STEPHEN W. DECOURCEY, CHAIR**  
**DIANE M. MAHON, VICE CHAIR**  
**JOHN V. HURD**  
**LENARD T. DIGGINS**  
**ERIC D. HELMUTH**